



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Town of Southern Shores

Recessed Meeting

July 7, 2008

7:00 p.m.-Pitts Center

Minutes

The Southern Shores Town Council met on July 7, 2008 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charles Read, Town Manager, Carrie Gordin, Town Clerk and Ben Gallop, Town Attorney.

Mayor Smith reconvened the recessed meeting from July 1, 2008 to order at 7:00 p.m.

Mayor Smith stated at this time Council will continue the discussion on the traffic cut-through issue at South Dogwood Trail and stated anyone wishing to speak needs to sign in and will have three minutes for comment.

Chuck Toney, 303 Hillcrest Drive, stated during the discussion at the previous meeting council did not address safety for pedestrians and bikers (residents and visitors). He asked that something be done about speeders. He stated if this issue has been addressed over the last six years why hasn't something been done. He asked council to be proactive and try to do something. He requested council take comments from the floor.

Al Ewerling, 187 South Dogwood Trail, stated he agrees with Mr. Toney, there is a safety problem. He stated there is heavy traffic at Sea Oats and Hillcrest also. He stated the play grounds at the school are open all year and the heavy traffic goes through the school zone. He stated this is the first town he has seen that a dollar sign has put on the safety, health and welfare of our children by saying we don't want to lose the Powell Bill money. He asked Council to make a decision and direct the Town Manager to complete the solution. He stated it is time to take the town back for the residents so they are able to walk down Dogwood Trail.

Ellen Barbaro, 51 Hickory Trail, stated she observed traffic while traveling on Dogwood to Hwy. 158 at 1:45 p.m. on Saturday in about 15 minutes she counted 40 cars and from what she observed 2 cars had NC license plates. She stated from her window at Hickory on Sunday she observed 57 cars passing from 10:45 a.m. to 11:00 a.m. She also saw 3 bikers, 4 walkers and 5 dogs. She stated Hickory is a small road with a 25 mph speed limit. She asked that Council find a solution for the safety of our kids, old people, walkers and animals.

Jim Harris, 92 S. Dogwood Trail, stated he has asked Council Members and the Town Manager to sit in his driveway and observe the speeders and the traffic. He asked if a collection could be taken up to buy a hand-held radar gun for the police department so they can do their job more effectively.

Dick Furioni, 49 Skyline Road, stated he is concerned about having a no left turn from Hwy. 158 onto S. Dogwood how that would affect emergency responders needing to get to the fire department. He stated at least two live in Martin's Point. He asked Council have consideration when making their decision.

Ron Barbaro, 51 Hickory Trail, stated he agrees with the comments. He stated our community is split between a major highway that connects Kitty Hawk and Duck and northern route and a community oriented network of streets based not with a 60' right-of-way but with a 30' right-of-way and smaller. He stated he can validate his wife's numbers. He stated with all the traffic consisting of boats/trailers, RV's and the additional heavy traffic flow the streets will need to be maintained. He stated Council should consider balancing the cost of repairs to the modifications in decreasing the traffic flow. He noticed the counting machine but he wondered how many people are following the signs that the town recently put out telling how to get to NC 12.

Dee Lewis, 62 Hickory Trail, read comments from Betsy Shay who was unable to attend the meeting. She read from Ms. Shay that Hickory Trail is the narrowest and winding. It is one of the busiest streets. She would like to see the same sign posted on either end of Hickory as is at Dogwood and Hillcrest. She has replaced her mailbox many times due to speeders and two trucks can not pass at the same time. Please consider protecting the roads. Ms. Lewis stated she concurs with Ms. Shay's comments and she would like to see the speed limit reduced to 15 mph on Hickory.

Mayor Smith explained anyone wishing to speak needs to sign up. Council agreed to allow additional public comment following their deliberation.

Charlie O'Shields, 334 Sea Oats Trail, stated he has seen as many as 17 cars stacked up at the stop sign at Sea Oats/ Hillcrest. He stated he has even had 3 people ask for directions to NC12. He stated he lives in a tourist area and he accepts the downfalls that go along with that. He stated he agrees Hickory does need relief. He stated he doesn't see how we can do anything about the traffic flow issue. He stated the police department needs the proper tools and if additional part time detail is needed to get the job done then do it. Address the speeders. He stated stop wishing the traffic to go away its not.

Sam Williams, 109 Pudding Pan Lane, stated he made comments at the previous meeting. He stated certain weight limits on vehicles should be considered. Stopping traffic flow at S. Dogwood will impact other streets in town. He feels good data is needed but Council has cut the budget tremendously. How much enforcement, by the police department, can be done with the reduced budget, council may want to shift some money for additional enforcement. He asked what has been done, so far, over the past few months.

Bob Glatz, 15 Kingfisher Trail, stated this is his first meeting and wasn't sure what he would hear. He stated he is concerned about the safety of the roads. He has seen kids and cars ran off the road. He hoped to hear Council say they will get it fixed to the best of our ability, not we don't know what to do and we don't have an answer. He stated a positive attitude is needed. He stated he wants his taxes to be used on public safety and citizens have a reasonable expectation that something needs to be done. Keep a positive attitude and do something.

Ted Green, 179 S. Dogwood Trail, stated he walked Saturday at 6:00 p.m. along Dogwood and there was a lot of traffic. He stated looking at the traffic situation like a sporting event and how traffic is moved for them. Traffic is moved by using one-way in and one-way out over a period of hours. He suggested trying this on Saturday and Sunday and suggested this be reviewed for next year. He asked if something could be done about the speeders.

Jim Harris, 92 S. Dogwood Trail, stated if the no left turn from Hwy. 158 to S. Dogwood is approved the fire department would break the law during an emergency. He stated whatever is done on Hickory needs to be done on S. Dogwood.

Hearing no other public comments Council Member Stroud provided information.

Council Member Stroud stated he has been looking at his situation for some time and initially proposed a no left turn on S. Dogwood Trail as a way to eliminate cut-through traffic. He stated he was told nothing could be done about the cut-through traffic but once a meeting was held with the Department of Transportation (DOT) it was learned that the town could do something but there were certain stipulations. He stated he was told the town would lose Powell Bill funds if we closed the street but upon talking with the Powell Bill representative it was learned that the town would lose partial funding. He stated he agrees with the residents that spoke tonight. The roads are not built for all this traffic flow and to have walkers and bikers on the roads it is not safe. He stated MapQuest will continue to provide directions. He stated he did not support the placement of the current signage directing traffic through the town. He wants to see the traffic stopped. He stated council has discussed this issue over the years and in 2004 a public meeting was held to listen to public suggestions, some of which he read, but nothing has been done. He stated he wants to see an ordinance adopted tonight that would define through traffic and prohibit cut-through traffic along S. Dogwood Trail. He proposed the language to read "no through traffic allowed on South Dogwood Trail, we would need to define through traffic (attorney to advise) as those people attempting to travel from Hwy. 158 to S. Dogwood (intersection) to the town limits of Southern Shores and Duck. He stated that would alleviate all the tourist who are cutting through to Duck and Corolla but would not hinder town residents. He stated tourist renting in town would not have a problem. He stated a no through traffic sign would be posted with specific Point A to Point B. He stated he has eliminated the no left turn proposal. He suggested once the ordinance is adopted and the signs are posted at S. Dogwood, at both ends, No Through Traffic on Dogwood Trail. Violators will be fined. (an amount (\$200). Then the Town Manager should meet with DOT to see that signs could be posted on Hwy. 158 placed before people turn onto S. Dogwood. Additional signs should be posted on Dogwood Trail and at the entrances of Sea Oats, Hickory, Hillcrest, Wax Myrtle and E. Dogwood and ask DOT to post the same signs at NC 12 leading up to these turns. He would request, as needed, to tell the Town Manager to provide additional funds for an extra officer to be available at S. Dogwood for the remainder of the summer. This cost is only around \$1500-2000 for the officer. He stated in talking to the Powell Bill representative the town would lose \$1800 per mile of the approximately \$148,000 the town would receive. He stated barricades could be placed at S. Dogwood and Hwy. 158 and DOT would provide the town with the barricades. He would like to see them placed as soon as possible. He addressed some of the comments such as the fire department, he sees no problem for emergency vehicles, you are not through traffic and we could exclude emergency vehicles if needed. He stated he does not see how this will affect local residents. He stated it has been asked how is this going to be enforced. He stated we aren't going to stop everyone the police department will try different ways to see what works. He stated if a tourist sees a sign posted that says no cut through traffic and a fine of \$200, the street has a barricade and officer sitting at the intersection with his lights flashing I might not turn. He would like to see 75-80% of the traffic reduced. He would like to hear from others if there is a better way.

Mayor Smith asked how this would affect people going to Duck Woods Country Club or people visiting friends, family etc. through out town. He stated the traffic on NC12 is horrendous on Saturday and Sundays and many locals including him use S. Dogwood and other streets to travel to the Food Lion, etc. The traffic on NC12 at many times is bumper to bumper on weekends. The traffic is far worse on NC12.

Council Member Stroud stated placing a permanent sign at S. Dogwood as close to the intersection and the barricade and the officer visible before they turn left will cut down on the traffic.

He stated if the officer is checking license and he asks where are you going and they give an address the officer will let you go. He stated this has been a problem since 2003 and now it is 2008 and nothing has been done.

Mayor Smith stated he agrees traffic is a problem and the traffic committee recommended the posting of the new signs to keep the traffic moving to NC12.

Council Member Stroud stated those signs would be removed if the no cut through traffic is approved.

Mayor Smith stated he attended the meetings in the past and the real solution to the traffic problem is to build the Mid-Currituck Bridge. If the bridge is built the projection for completion is not until 2013. He stated the town received input from the citizens and regardless of what is done we must remember it will impact the locals as well as our tourists. He stated if you stop the traffic at S. Dogwood many of these tourists will resort to using Juniper Trail to Trinitie Trail so there will be an increase in traffic in this area. He then asked do you propose officers at all the through streets.

Council Member Stroud stated no. The sign will say no through traffic on S. Dogwood and signs will be posted at Sea Oats, Wax Myrtle, etc. for a three month window. He stated there may be an increase of traffic on Trinitie but we won't deal with that until next year.

Council Member Hess stated she did check what MapQuest is providing and it has been changed, so maybe we did do something.

Council Member Pfizenmayer stated the traffic problem is not just a three months it is more like nine to ten months. He stated it is a safety issue and something should be done. He agrees with Council Member Stroud. He agrees putting up a big sign (one at each end) at the bridge and at the Duck line No thru traffic-\$200 fine. He stated post an officer at the Dick White Bridge and if they don't have a town sticker or a civic sticker give them a ticket.

Council Member Stroud stated an ordinance needs to be adopted before we can do anything and if we need to call a special meeting then do it.

Council Member Hess asked Chief Kole for his input on the enforcement.

Chief Kole stated he has no money in his budget for additional officers the money would need to come from somewhere else. He stated he only has one officer working on the weekend and an additional officer would be overtime. He stated this is a small community and kids should not be playing in the streets, it's too dangerous. He stated cut through traffic should be defined and locals and visitors alike would be ticketed. He stated most of the people are coming through once a year. He stated 200-300 parking tickets a week are issued at \$50 each and some people pay and some don't and a lot are residents.

Council Member Stroud asked if the ordinance defines cut through traffic from Point A Hwy. 158/S. Dogwood intersection to Point B Town limit of Duck how does that affect a resident. He stated he proposes Council to instruct the Town Manager to budget money (\$1476+) for one duty officer at S. Dogwood Trail and if we need more then do it. He doesn't think money is the issue.

The Town Manager stated that he has met with Council Member Stroud and he talked with the Police Chief and DOT regarding this issue. He stated the police department has an outstanding reputation for being fair, honest, and equitable. He wouldn't want to see us go down a road by asking our police officers to try to selective enforce something against the very people who support the economy of Dare County. His officers are honest and fair across the board.

He has never received any input from anyone to indicate otherwise. Everyone should be proud of that fact. They do their job and don't care what license plates in on the car. He is proud of them and thanks them. To do something contrary to that rubs the fur the wrong way. He stated if we are going to try to control or restrict traffic at an intersection, as stated, and cause a backup of 6-10 cars and there is an accident in another jurisdiction we will not be making any friends with Kitty Hawk or the state patrol. This needs to be thought out carefully before we try to eliminate cut through traffic. He stated he does realize this is a problem and he is concerned. Staff is working on investigating weight limits for buses, boats and trailers, trucks etc. for possible restrictions.

Council Member Stroud stated he is confused in what the Town Manager is saying. He stated he thinks the police department is doing a great job and doesn't see how it would be selective enforcement. He stated his business depends on tourist but this is a residential community and you can't cut through Southern Shores to get to Duck or Corolla that is not selective enforcement.

Council Member McDonald stated he sees several logistical problems. He stated it was reported residents have counted 40-50 cars in a short period of time. He stated if some of the cars are residents that might be 50% but he asked how long does it take an officer to do a license check?

Chief Kole stated 5-7 minutes. Council Member McDonald stated once someone is stopped and can't go through they will need to turn around, where would they do that? He asked if Dare County would allow Kitty Hawk School to be used as a turn around.

The Town Attorney stated there may be liability issues and they would not allow that.

Council Member McDonald asked if the stacking lane could hold 15 cars at the S. Dogwood intersection. Chief Kole said no.

Council Member McDonald stated the traffic light could be changed but that would involve changing all the traffic lights to be in sync. He stated for every 5 minutes an officer would stop someone we would create our own traffic jam.

Council Member Stroud stated he isn't sure what a license check is. He doesn't want someone's plates to be run, just look to see if they are a resident and let them go.

Chief Kole suggested Council contact DOT about placing an electronic sign on Hwy. 158 reading "No Thru Traffic" at S. Dogwood Trail, but allowing emergency vehicles. He stated but the town has no jurisdiction there.

Council Member McDonald asked what is legal when an officer stops a vehicle. Chief Kole stated everyone would need to be stopped if it is a license check or seat belt check. All violators would be given a ticket.

He stated he agrees traffic is a problem and this has been a topic of discussion two or three times since he has been on council. He asked do we want to lose Powell Bill money and if so it should be in writing to protect the town. He asked how many miles are we talking about if there were more streets involved than just S. Dogwood. Merrie Smith, executive assistant, provided the mileage of each street in question.

Council Member Stroud stated the Powell Bill representative said we would lose funding only on the street that is isolated and he would think we could get that in writing.

Mayor Smith asked Chief Kole if DOT would agree to put up a "no left turn" sign can it be for only certain hours and certain days. He said yes.

Police Chief Kole stated the traffic light at S. Dogwood is in the Town of Kitty Hawk's jurisdiction. He stated that he would be looking at the safety of his officers and there is no safe place for the officer to sit.

Council Member Hess stated Council does want to fix the problem but not cause a problem somewhere else like Trinitie Trail, we are not fixing the problem and we have not addressed south bound traffic. She stated we have done some things for safety by doing traffic stops and some changes to MapQuest and getting the Mid-Currituck Bridge which is to be completed in 2013.

Council Member Stroud stated instruct the Town Manager to talk to DOT and put up the signs on Hwy. 158, pass the ordinance that reads no cut through from point A to B and figure out how to enforce it. He stated just give it a try and if it cuts out 75% of the traffic then that would be good.

Chief Kole stated an officer has to have probable cause to stop someone, for instance speeding or not wearing a seat belt.

Council Member Stroud asked can we have a seat belt check every Saturday from 2.m. to 6 p.m. at the intersection. Chief Kole stated it would require hiring five more officers.

Council Member Stroud stated he is suggesting pass the ordinance and the first thing to try is putting up the signs where it can be seen and place a police car where it can be seen and it might reduce the traffic.

Mayor Smith asked if the police department has a device to collect data on the amount of cars travelling on S. Dogwood so that six weeks from now we could prove there is a reduction.

Chief Kole stated they have placed the equipment needed to count the cars and will have some statistics from Friday-Monday, if the equipment continues to work.

Mayor Smith asked the Town Manager to find out the cost of a machine and get hard statistics and prepare an ordinance.

Council Member Stroud stated he would make a motion that the Town Manager draft an ordinance, get in writing from DOT how our Powell Bill funds would be affected. (DOT has already said they will not post a no left turn sign but they might change their mind if we pass an ordinance).

Council Member McDonald stated if we were to lose all the Powell Bill money it would be a penny on the tax rate.

Ben Gallop, Town Attorney, stated he would draft an ordinance ready for council to approve whenever council wants it. He stated the enforcement of the ordinance would not be addressed in the ordinance that is handled through the police department. He did warn that the town could be challenged if someone was stopped and it was not for a valid reason. He stated you can't stop out-of-towners just for being out of town or for not having a town sticker etc.

Council agreed to instruct the Town Attorney to draft an ordinance to read no through traffic should enter from Hwy. 158 to S. Dogwood and to include Juniper Trail and Trinitie Trail.

Lt. Terry asked for clarification regarding if a seat belt check is on-going and the officer asks, where are you going and the person refuses to answer what do you want the officer to do. Council Member Stroud said to let them go.

Mayor Smith asked for any additional comments the public would like to make do so at this time.

Several citizens provided additional comments.

A lady asked after six months it is found this doesn't work what happens. Council Member Hess stated the ordinance can be repealed.

A man stated this proposal puts an undue burden on the police department and may open yourself up for liability.

A man stated he hopes this to be restricted to weekends only and have police set there or just a police car parked and put up signs.

A man stated no safety issues were addressed at the last meeting. He suggested adding stop signs and speed bumps to make their trip slower but do something quickly that will be aid in safety.

A lady requested that the police not do a traffic stop saying it only backs up traffic more. She suggested adding signs stating the speed limit is strictly enforced that it does make a difference. She said she knows the traffic is bad and makes allowances for the Saturday traffic when planning her outings.

Mayor Smith agrees the strictly enforced speed limit signs do work. He has recommended these signs in the past and in his traveling he has witnessed other towns not only using these signs effectively but they also park unoccupied police cars and this acts as a deterrent. People automatically slow down when they see a police car. He stated he does not support the use of traffic stops.

The Town Manager stated the traffic light at Hwy. 158 and S. Dogwood Trail is not in Southern Shores jurisdiction but once an ordinance is adopted we could contact DOT and ask if they would consider a no left turn.

A lady asked if the ordinance is passed can the GPS companies be informed of the change.

Merrie Smith stated there are two companies that do the GPS and we could send them a copy of the ordinance but it may take three months for them to make a change.

A lady stated she is concerned if a no left turn is posted how it will back up traffic in other areas of town, like happens in Duck at the Sanderling on the weekend.

Council Member Stroud stated again he is not proposing a no left turn but he is proposing no through traffic ordinance.

A man stated he goes under the speed limit and more speeding tickets need to be given.

A man asked if the money from the fines go to Dare County schools. No one was sure.

A lady real estate agent advised the town to let the Board of Realtors know of the change and they can let the real estate offices know.

A man stated he is not sure of the directions given but he would suggest that those streets that are through streets that signs and or barricades be placed from NC 12 into town on the weekends. He doesn't know how this would affect emergency vehicles or the Powell Bill funds.

Hearing no other comments Mayor Smith thanked everyone for their comments.

Council Member Stroud stated Council needs to instruct the Town Manager to draft an ordinance and to get in writing what the financial impact will be if the ordinance reads No Through Traffic from Point A Hwy. 158/S. Dogwood Trail and from Hwy. 158/Juniper Trail/Trinitie Trail and Point B from the Town of Duck city limits.

Council Member McDonald stated council is directing the Town Manager and the Town Attorney to draft an ordinance that reads no through traffic from Hwy. 158 to NC12 and from NC12 to Hwy. 158. and to find out what impact this would have on the Powell Bill funds.

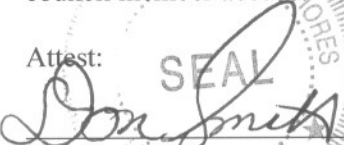
Council Member Stroud stated he doesn't think the ordinance can be drafted in those words.

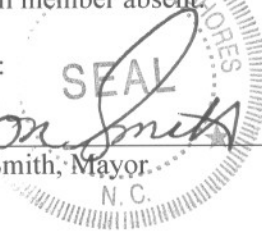
Council Member McDonald asked if the ordinance should include from Memorial Day to Labor Day. Council agreed and the no through traffic has to be addressed in both directions in the ordinance.

Council Member Stroud asked about an email regarding the canal dredging project. He was told an update would be provided at the August Council meeting.

Mayor Smith moved to recess the meeting at 9:05 p.m. until Tuesday, July 15, 2008 at 8:00 a.m. in the Pitts Center. Council Member Stroud seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, Stroud, and Pfizenmayer voting aye; no council member voting no and no council member absent.

Attest:


Don Smith, Mayor
N.C.



Respectfully submitted:


Carrie Gordin, Town Clerk